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BSH HOME APPLIANCES CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
100 BOSCH BOULEVARD  
NEW BERN, NC 28562

EXAMINER
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WALDBAUM, SAMUEL A

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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12/22/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed December 9, 2009 have been fully considered but they are not persuasive.
2. Applicant is first arguing that Kim (2001/0103693) teaches one bellow and that the Valent reference (US 5,860,300) teaches another type of bellow so one of ordinary skill would not have an apparent reason to combine the references. Both references are bellows for a horizontal washing machine sealing the door frame to the outer tub. It is well within the skill level for one of ordinary skill in the art to look at the different types of bellows that are accomplishing the same thing (sealing the area) to see what features that are relevant.
3. Applicant is arguing that rearranging the stiffening elements taught by Kim on the center section is not a simple rearrangement parts and it would not lead to the predictable results of preventing deformation in the center section. Kim clearly teach multiple stiffing element located at different locations and it well within the skill level of one of ordinary skill in the art at the time the invention to simply rearrange the stiffening element to the center section, since the element it is still performing the exact same function of preventing deformation of the bellows. Applicant has not shown how this would not be a simple rearrangement of elements.
4. Further more it is well within the skill level of one of ordinary skill in the art to have placed another stiffening element on the center section to yield the predictable result of strengthening the central section of the below and to prevent deformation in that section.
5. Applicant further argues that the prior art does not teach an articulated section in the central section of the bellows. The Valent reference clearly teaches that bellows is a flexible

Art Unit: 1792

material (abstract) and it clearly teaches that the bellows has a changing thickness from a thicker section to a thinner section (fig. 4, clearly shows a thick section progressing into a thinner section right before it starts the waver section) and since the bellows is made out of a flexible material by changing the thickness of the bellows it will inherently affect how the different section of the bellows bend and deformed based on the stress of the bellows. Therefore it is well within the skill level of one of ordinary skill at the time the invention was made to have placed an articulated section, i.e. a section of thinner material, between the bend of the central section (i.e. the bend located between in inner section and the central section) and the stiffening element located on the central section to have yield the predictable result of changing the flexibility characteristics of that section.

6. Applicant is further arguing that the articulate section is not merely a change of size of a component. By changing the thickness of a flexible member will inherently change it flexibility characteristics, so it is within the skill level of one of ordinary skill in the art to realize that making the articulated section, i.e. thinner section, will change the flexibility characteristics compared to the rest of the bellows.

7. Applicant is arguing that Kim would require extensive modification to overall design of the reference. The examiner does not find this convincing, merely adding another/relocating a stiffening element and making a articulated/thinner section would not be extensive modification for one ordinary skill in the art since both the stiffening elements and the articulated section/thinner material section are taught by the prior art.

8. In response to applicant's argument that Deuring (US 4,826,180) is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if

Art Unit: 1792

not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Deuring is solving the same problem as the applicant of providing a stiffing/support element to a flexible/elastic material.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. WALDBAUM whose telephone number is (571)270-1860. The examiner can normally be reached on M-TR 5:45-3:15, every other F 5:45-2:15 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. A. W./  
Examiner, Art Unit 1792

/FRANKIE L. STINSON/  
Primary Examiner, Art Unit 1792